

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

Dallas Lucas and Donald Lentnek as Trustees of
the Local 670 Welfare Fund et al.

SUMMONS IN A CIVIL ACTION

V.

Throgs Neck Operating Company, LLC et al.

CASE NUMBER:

07 CV 5977

TO: (Name and address of Defendant)

Throgs Neck Extended Care Facility
707 Throgs Neck Expressway
Bronx, New York 10465

JUDGE CEDARBAUM

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Law Offices of Richard M. Greenspan, P.C.
220 Heatherdell Road
Ardsley, New York 10502
(914) 478-2801

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

JUN 22 2007

CLERK

DATE

(By) DEPUTY CLERK

STATE OF NEW YORK
DISTRICT COURT
DISTRICT: SOUTHERN DISTRICT OF NEW YORK

COUNTY OF

INDEX #: 07 CV 5977

Date Filed: June 22, 2007

ATTORNEY(S): Richard M. Greenspan, P.C.: PH: (914)478-2801
 ADDRESS: 220 Heatherdell Road Ardsley NY 10502 File No.:

Dallas Lucas and Donald Lentnek as Trustees of the Local 670 Welfare Fund, et al

vs

Plaintiff(s)/Petitioner(s)

Throgs Neck Operating Company, LLC et al

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NASSAU, SS.:

AFFIDAVIT OF SERVICE

Thomas G. Russo, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On July 11, 2007 at 4:25pm, at 707 Throgs Neck Expressway, Bronx, NY 10465, deponent served the within Summons in a Civil Action and Complaint

on: Throgs Neck Extended Care Facility, Defendant therein named.

#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 CORPORATION ☒ By delivering thereat a true copy of each to George Stopes personally, deponent knew the person so served to be the managing agent of the corporation, and authorized to accept service on behalf of the corporation.

#3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to a person of suitable age and discretion. Said premises is recipient's: [] actual place of business [] dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: [] actual place of business [] dwelling house (place of abode) within the state.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 on the _____ day of _____ at _____
 Address confirmed by _____

#5 MAIL COPY ☐ On _____, deponent completed service by depositing a true copy of each document to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

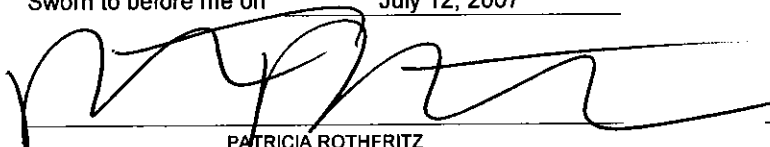

#6 DESCRIPTION A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:
☒ Sex: Male Color of skin: White Color of hair: Brown/Gray Age: 51 - 65 Yrs. Height: Over 6'
 (use with #1, 2 or 3) Weight: 161 - 200 Lbs. Other Features: _____

#7 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#8 MILITARYSRVC ☐ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.

#9 OTHER ☐

Sworn to before me on July 12, 2007

PATRICIA ROTHFRITZ
 NOTARY PUBLIC, State of New York
 01R06055503, Nassau County
 Term Expires February 26, 2011

Thomas G. Russo
 Server's Lic # 1076023
 Invoice•Work Order # 0708942